IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

WP(C).No. 829 of 2004(W)

PETITIONER:

P.M.JOSEPH, PUTHENPURACKAL,
KARUKACHAL P.O., KOTTAYAM.

BY ADV. SRI.JOMY GEORGE.

RESPONDENTS:
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1. **KARUKACHAL GRAMA PANCHAYATH,**
   REPRESENTED BY ITS SECRETARY.

2. **SECRETARY, KARUKACHAL GRAMA PANCHAYATH,**
   KOTTAYAM DISTRICT.

3. **NEDUMKUNNAM GRAMA PANCHAYATH,**
   NEDUMKUNNAM, CHANGANACHERRY, REPRESENTED BY ITS SECRETARY

4. **DIRECTOR OF PANCHAYAT,**
   THIRUVANANTHAPURAM.

5. **STATE OF KERALA, REPRESENTED BY ITS SECRETARY, LOCAL SELF GOVERNMENT. GOVT.SECRETARIAT THIRUVANANTHAPURAM.**

BY ADV. SRI.JOHN VARGHESE,
SRI.K.S.SAJEEV KUMAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.829 OF 2004

Dated this the 18th day of July, 2007

JUDGMENT

The petitioner has an item of property within the territory of the third respondent Nedumkunnam Grama Panchayat. According to him, the first respondent Karukachal Grama Panchayat constructed a channel through his property lying within the limits of the third respondent Panchayat, without his permission and without the permission of the third respondent. As of now, the petitioner appears to be satisfied if appropriate retaining walls are provided to preserve his property and provide adequate compensation for his land, if any, that is utilised for the construction. He also insists that the channel has to be covered using slabs to ensure that no injury is caused to his property or to him and his family. Thus the issue could first be resolved at the hands of the 4th respondent. Accordingly, this writ petition is disposed of directing that if the petitioner makes a representation before the 4th respondent and produces a copy of this judgment, the same shall be disposed of within a period of

four months from the date of receipt of such representation or a copy of this judgment, whichever is later. This shall be done after affording the petitioner and respondents 1 to 3 opportunity of being heard.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.